IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WA.No. 888 of 2007()

AGAINST THE JUDGEMENT IN WPC.8994/2007 Dated 16/03/2007
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APPELLANT: PETITIONER

SIBY M.C.,
MANGALATHUKUNNEL HOUSE, TRICHUR P.O.,
ERUMAPETTY, THRISSUR-680 609.

BY ADV. SRI.T.A.RAJAGOPALAN

RESPONDENTS: RESPONDENTS
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1. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY THE SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.

2. UNDER SECRETARY,
CORPORATION WING, (RECRUITMENT),
KERALA PUBLIC SERVICE COMMISSION, PATTOM,
PIN-695 904, THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.
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W.A.NO. 888 OF 2007
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Dated this the 3rd day of April, 2007

J U D G M E N T

P.R.Raman, J.

The appellant/petitioner was an aspirant for the post of Reserve Driver in the Kerala State Road Transport Corporation. He responded to Ext.P3 application issued by the Kerala Public Service Commission. He was removed from the short list against which he preferred the original petition.

2. The learned Single Judge found that the petitioner was not able to satisfy that he possess the requisite qualification as on the date of Ext.P3 and hence dismissed the original petition against which the present appeal is preferred.

3. The counsel appearing for the appellant would submit that the reason for rejection of his application from being considered is that he has not completed seven years after obtaining an LMV licence and that he was issued with LMV licence on 21/11/99 and the last date for receipt of the application was on 31/1/05. It is his contention that as per item 7 of Ext.P3 notification, the qualification prescribed does not specifically refer to seven years experience after obtaining an LMV licence. According to the

appellant, it merely says that the candidate should be a person having a driving licence and the appellant is having an autorickshaw driving licence. Subsequently, LMV licence was also obtained on 1999. Therefore his experience after obtaining an autorickshaw driving licence is sufficient qualification as prescribed. We cannot agree. The post to which applications are invited is Reserve Drivers post in the Public Transport Corporation. Necessarily the Driver should possess necessary experience to drive the heavy duty vehicle pursuant to post qualification experience after obtaining the LMV licence. Merely because the appellant possess a driving licence for driving a three wheeler is not what is intended by the notification prescribed in the qualification as per item 7 as noticed above. The view taken by the learned Single Judge being a plausible view, we do not think we could interfere with such finding.

In the circumstances, we find no merit in the writ appeal. Dismissed.

P.R.RAMAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp